

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LESTER TOM,

Plaintiff,

v.

UNITED AIRLINES, INC., et al.,

Defendants.

Case No. 15-cv-00466-VC

**ORDER GRANTING MOTION FOR SANCTIONS**

Re: Dkt. No. 121

United's motion for sanctions is granted. The plaintiff's attorney, Dow Patten, is sanctioned for his misconduct in connection with his frivolous motion to extend the deadline for filing an opposition to the motion to dismiss or transfer venue. Patten was aware the Court had already adjudicated the question where the Taleo records were located and held that they do not establish venue in this district in two related cases. *See Montgomery v. United Airlines, Inc.*, No. 15-cv-00459-VC, Dkt. No. 34, at 2 (N.D. Cal. May 22, 2015); *Gadson v. United Airlines, Inc.*, No. 15-cv-00460-VC, Dkt. No. 31, at 2 (N.D. Cal. May 22, 2015). Further, to the extent Patten wished to seek reconsideration of that issue, Patten unreasonably delayed noticing a deposition of the third-party, Oracle, until three days before the opposition to the transfer motion was due, despite knowing the briefing deadlines on the motions to transfer – which the Court set amply in advance to give the parties extra time to deal with venue discovery – for over six weeks. Moreover, Patten misrepresented the date that the deposition notice was served on Oracle, and implied the deposition was set to take place on April 29, 2016 at 10 a.m., when he had not yet met and conferred with the defendants as to whether that date and time was feasible for them and the third party. Patten is ordered to reimburse the defendants for the costs and fees incurred in

opposing the plaintiff's motion to extend the deadline. Assuming the parties agree on the amount of costs and fees to be paid, the parties must file a status report no later than 5 p.m. on August 4, 2016, so confirming. If counsel for the plaintiff and counsel for the defendants are unable to agree on the proper payment amount, the parties shall submit simultaneous letter briefs, not to exceed 2 pages, proposing alternative payments, by no later than 5 p.m. on August 4, 2016. No extensions will be granted.

**IT IS SO ORDERED.**

Dated: August 2, 2016



---

VINCE CHHABRIA  
United States District Judge